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10th August, 1944.

WAR CABINET.

ANGLO-POLISH AGREEMENT OF 1939.

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MEMORANDUM BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS.

AT the time of the conclusion of the Anglo-Polish Mutual Assistance Agreement of the 25th August, 1939, a Secret Protocol was signed interpreting the Agreement. This Protocol constituted an integral part of the Agreement, but its terms, unlike those of the agreement itself, have never been published. The texts of the Protocol and of the Agreement are annexed.

It will be seen that the object and effect of the Secret Protocol were not to extend the obligations of the parties but to limit them by confining these obligations, which in the Agreement were stated in general terms, to the particular case of aggression by Germany. One object of the Protocol was to avoid any obligation on our part to assist Poland against Russia. The reason for the adoption of this procedure is to be found in the special emergencies of the time, and was, of course, that, while the parties were in fact concluding an agreement of mutual assistance against aggression by Germany, it was obviously undesirable to state this in public.

The substance of the principal provision of the Protocol was made public in a statement by the then Parliamentary Under-Secretary of State for Foreign Affairs in reply to a P.Q. on the 19th October, 1939, when he affirmed that the references to aggression by a European Power in the Anglo-Polish Agreement were not intended to cover the case of aggression by Powers other than Germany, including Russia, and added: "During the negotiations which led up to the signature of the Agreement, it was understood between the Polish Government and His Majesty's Government that the Agreement only covered the case of aggression by Germany, and the Polish Government confirm that this is so."

The existence of the Secret Protocol was known at the time of its signature to the French Government and a copy was communicated to the French Embassy in London on the 9th September, 1939. I also informed the Dominion Prime Ministers orally and in general terms of the provisions of the Protocol at the time of their meeting in London in May of this year. Nothing has been said to any other Governments, including the United States and Soviet Governments, about the existence of the Protocol.

I am unhappy about this situation, particularly as I have repeatedly affirmed that His Majesty's Government have made no secret agreements during this war. This is literally true. Moreover, there is in present circumstances always the risk of a leak. Although there is nothing in the Protocol in the nature of a major secret commitment, knowledge of which if it leaked out would cause us serious detriment, it would, nevertheless, be undesirable that our Soviet Allies should first learn of the existence of the Protocol from some unauthorised source.

I have accordingly been considering the possibility of publishing the Protocol. My conclusion is, however, that publication at the present juncture would be untimely. Although the provisions of the Protocol commit His Majesty's Government to no action vis-à-vis the U.S.S.R., their publication would very probably provoke a disagreeable cross-examination by the Soviet Government on

their meaning. Such questions would probably centre particularly upon Article 1 (b) and Article 2 (b) and (c) of the Protocol, which contain references to the Baltic States and especially to Lithuania, and upon Article 3, which has a possible bearing upon Polish-Soviet territorial problems. We could not be certain in advance of removing all suspicions which the Soviet Government might conceive on these points and there would be a risk of disturbing the present improved atmosphere of Anglo-Soviet relations. In addition, the publication of the Protocol would almost certainly arouse public correspondence and discussion, in the course of which awkward claims as regards the effect of the Protocol might be made on behalf of the Poles, and things be written and said which would involve a serious risk of destroying any chances that may still exist of an improvement in Polish-Soviet relations.

I am therefore of the opinion that publication of the Secret Protocol would best be postponed until we can see more clearly than at present the position in regard to Polish-Soviet relations, our own relations with Poland and the future of the Anglo-Polish Agreement of 1939.

A. E.

Foreign Office, 10th August, 1944.

ANNEX.

AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE UNITED KINGDOM AND POLAND.

London, August 25, 1939.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Polish Government :

Desiring to place on a permanent basis the collaboration between their respective countries resulting from the assurances of mutual assistance of a defensive character which they have already exchanged ;

Have resolved to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries :

The Government of the United Kingdom of Great Britain and Northern Ireland :

The Rt. Hon. Viscount Halifax, K.G., G.C.S.I., G.C.I.E., Principal Secretary of State for Foreign Affairs ;

The Polish Government :

His Excellency Count Edward Raczyński, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in London ;

Who, having exchanged their Full Powers, found in good and due form, have agreed on the following provisions :—

ARTICLE 1.

Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of aggression by the latter against that Contracting Party, the other Contracting Party will at once give the Contracting Party engaged in hostilities all the support and assistance in its power.

ARTICLE 2.

(1) The provisions of Article 1 will also apply in the event of any action by a European Power which clearly threatened, directly or indirectly, the independence of one of the Contracting Parties, and was of such a nature that the Party in question considered it vital to resist it with its armed forces.

(2) Should one of the Contracting Parties become engaged in hostilities with a European Power in consequence of action by that Power which threatened the independence or neutrality of another European State in such a way as to constitute a clear menace to the security of that Contracting Party, the provisions of Article 1 will apply, without prejudice, however, to the rights of the other European State concerned.

ARTICLE 3.

Should a European Power attempt to undermine the independence of one of the Contracting Parties by processes of economic penetration or in any other way, the Contracting Parties will support each other in resistance to such attempts. Should the European Power concerned thereupon embark on hostilities against one of the Contracting Parties, the provisions of Article 1 will apply.

ARTICLE 4.

The methods of applying the undertakings of mutual assistance provided for by the present Agreement are established between the competent naval, military and air authorities of the Contracting Parties.

ARTICLE 5.

Without prejudice to the foregoing undertakings of the Contracting Parties to give each other mutual support and assistance immediately on the outbreak of hostilities, they will exchange complete and speedy information concerning any development which might threaten their independence and, in particular, concerning any development which threatened to call the said undertakings into operation.

ARTICLE 6.

(1) The Contracting Parties will communicate to each other the terms of any undertakings of assistance against aggression which they have already given or may in future give to other States.

(2) Should either of the Contracting Parties intend to give such an undertaking after the coming into force of the present Agreement, the other Contracting Party shall, in order to ensure the proper functioning of the Agreement, be informed thereof.

(3) Any new undertaking which the Contracting Parties may enter into in future shall neither limit their obligations under the present Agreement nor indirectly create new obligations between the Contracting Party not participating in these undertakings and the third State concerned.

ARTICLE 7.

Should the Contracting Parties be engaged in hostilities in consequence of the application of the present Agreement, they will not conclude an armistice or treaty of peace except by mutual agreement.

ARTICLE 8.

(1) The present Agreement shall remain in force for a period of five years.

(2) Unless denounced six months before the expiry of this period it shall continue in force, each Contracting Party having thereafter the right to denounce it at any time by giving six months' notice to that effect.

(3) The present Agreement shall come into force on signature.

In faith whereof the above-named Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done in English in duplicate, at London, the 25th August, 1939. A Polish text shall subsequently be agreed upon between the Contracting Parties and both texts will then be authentic.

(L.S.) HALIFAX.

(L.S.) EDWARD RACZYŃSKI.

SECRET PROTOCOL ATTACHED TO THE AGREEMENT OF MUTUAL ASSISTANCE BETWEEN
POLAND AND THE UNITED KINGDOM SIGNED ON THE 25TH AUGUST, 1939.

THE Polish Government and the Government of the United Kingdom of Great Britain and Northern Ireland are agreed upon the following interpretation of the Agreement of Mutual Assistance signed this day as alone authentic and binding :—

1.—(a) By the expression "a European Power" employed in the Agreement is to be understood Germany.

(b) In the event of action within the meaning of Articles 1 or 2 of the Agreement by a European Power other than Germany, the Contracting Parties will consult together on the measures to be taken in common.

2.—(a) The two Governments will from time to time determine by mutual agreement the hypothetical cases of action by Germany coming within the ambit of Article 2 of the Agreement.

(b) Until such time as the two Governments have agreed to modify the following provisions of this paragraph, they will consider: that the case contemplated by paragraph (1) of Article 2 of the Agreement is that of the Free City of Danzig; and that the cases contemplated by paragraph (2) of Article 2 are Belgium, Holland, Lithuania.

(c) Latvia and Estonia shall be regarded by the two Governments as included in the list of countries contemplated by paragraph (2) of Article 2 from the moment that an undertaking of mutual assistance between the United Kingdom and a third State covering those two countries enters into force.

(d) As regards Roumania, the Government of the United Kingdom refers to the guarantee which it has given to that country; and the Polish Government refers to the reciprocal undertakings of the Roumano-Polish alliance which Poland has never regarded as incompatible with her traditional friendship for Hungary.

3. The Undertakings mentioned in Article 6 of the Agreement, should they be entered into by one of the Contracting Parties with a third State, would of necessity be so framed that their execution should at no time prejudice either the sovereignty or territorial inviolability of the other Contracting Party.

4. The present protocol constitutes an integral part of the Agreement signed this day, the scope of which it does not exceed.

In faith whereof the undersigned, being duly authorised, have signed the present Protocol.

Done in English in duplicate, at London, the 25th August, 1939. A Polish text will subsequently be agreed upon between the Contracting Parties and both texts will then be authentic.